

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-11-4-6, AS AMENDED BY P.L.273-2001,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2002]: Sec. 6. (a) This section applies, notwithstanding any
- 6 other provision of this title, to absentee ballot applications for:
- 7 (1) an absent uniformed services voter (as defined in 42 U.S.C.
- 8 1973ff-6(1)); and
- 9 (2) an address confidentiality program participant (as defined in
- 10 IC 5-26.5-1-6).
- 11 (b) A county election board shall make blank absentee ballot
- 12 applications available for persons covered by this section after
- 13 November 20 preceding the election to which the application applies.
- 14 Except as provided in subsection (c), the person may apply for an
- 15 absentee ballot at any time after the applications are made available.
- 16 (c) A person covered by this section may apply for an absentee
- 17 ballot for the next scheduled primary, general, or special election at any
- 18 time by filing a standard form approved under 42 U.S.C. 1973ff-(b).
- 19 (d) If the county election board receives an absentee ballot
- 20 application from a person described by this section, the circuit court

clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

(e) Whenever an absent uniformed services voter or an address confidentiality program participant (as defined in IC 5-26.5-1-6) files an application for a primary election absentee ballot and indicates on the application that:

(1) the voter is an absent uniformed services voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application; or

(2) the voter is an address confidentiality program participant; the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the twelve (12) months following the date of the application. The circuit court clerk and county election board shall process this application and mail general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and mailed under this chapter.

(f) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

~~(1) To a law enforcement agency, upon request.~~

~~(2) As directed by a court order.~~

(g) This subsection applies to a county election board that owns or has access to a facsimile (FAX) machine. The county election board may transmit and receive absentee ballots by FAX machine to voters covered under the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff) under the following circumstances:

(1) If an emergency is declared by the President of the United States, the Congress of the United States, or the presidential designee under the Uniformed and Overseas Absentee Voting Act

1 (42 U.S.C. 1973ff).

2 (2) If otherwise mandated to do so under federal law."

3 Page 10, between lines 34 and 35, begin a new paragraph and insert:

4 "SECTION 8. IC 5-26.5-1-6, AS ADDED BY P.L.273-2001,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2002]: Sec. 6. "Program participant" refers to an individual
7 certified as a program participant under IC 5-26.5-2-3. ~~A program~~
8 ~~participant must be domiciled in Indiana.~~

9 SECTION 9. IC 5-26.5-1-8 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2002]: **Sec. 8. For purposes of IC 5-26.5-2-2, "sexual assault" has**
12 **the meaning set forth in IC 33-19-4.5-7.**

13 SECTION 10. IC 5-26.5-1-9 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2002]: **Sec. 9. For purposes of IC 5-26.5-2-2, "stalking" has the**
16 **meaning set forth in IC 33-19-4.5-8.**

17 SECTION 11. IC 5-26.5-2-1, AS ADDED BY P.L.273-2001,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2002]: Sec. 1. The following individuals may apply to the
20 office of the attorney general to have an address designated by the
21 office of the attorney general serve as the individual's address or as the
22 address of a minor or an incapacitated individual:

- 23 (1) An individual who is at least eighteen (18) years of age.
- 24 (2) A parent or guardian acting on behalf of a minor.
- 25 (3) A guardian acting on behalf of an incapacitated individual.
- 26 **(4) An emancipated minor.**

27 SECTION 12. IC 5-26.5-2-2, AS ADDED BY P.L.273-2001,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2002]: Sec. 2. The office of the attorney general shall approve
30 an application filed in the manner and on a form prescribed by the
31 office of the attorney general if the application contains the following:

- 32 (1) A sworn statement by the applicant that the applicant has good
33 reason to believe that:
- 34 (A) the applicant, or the minor or incapacitated individual on
35 whose behalf the application is made, is a victim of:
- 36 (i) domestic violence;
- 37 (ii) **sexual assault; or**
- 38 (iii) **stalking; and**

- 1 (B) the applicant fears for:
 2 (i) the applicant's safety; or
 3 (ii) the safety of a minor or an incapacitated individual on
 4 whose behalf the application is made.
- 5 (2) A copy of a valid protective order issued on behalf of the
 6 applicant or the minor or incapacitated individual on whose
 7 behalf the application is made.
- 8 (3) A designation of the office of the attorney general as an agent
 9 of the applicant for the purpose of:
 10 (A) service of process; and
 11 (B) receipt of mail.
- 12 (4) The:
 13 (A) mailing address; and
 14 (B) telephone number;
 15 where the applicant may be contacted by the office of the attorney
 16 general.
- 17 (5) The new address that the applicant requests not be disclosed
 18 because disclosure may increase the risk of domestic violence.
- 19 (6) The signature of the applicant and of any representative of an
 20 agency designated under IC 5-26.5-3-4 that assisted in the
 21 preparation of the application.
- 22 (7) The date the applicant signed the application.
- 23 SECTION 13. IC 5-26.5-2-6, AS ADDED BY P.L.273-2001,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2002]: Sec. 6. ~~(a)~~ Certification as a program participant
 26 expires ~~on the earlier of:~~
 27 ~~(1)~~ two (2) years after the date on which the office of the attorney
 28 general certifies or renews the certification of the applicant as a
 29 program participant. ~~or~~
 30 ~~(2) the date on which the protective order that is the basis for the~~
 31 ~~certification is withdrawn revoked or otherwise invalidated.~~
 32 The modification of a protective order is not an invalidation for
 33 purposes of subdivision (2):
 34 ~~(b)~~ A program participant whose certification expires under
 35 subsection ~~(a)~~(1) may apply to renew the certification under section 7
 36 of this chapter.
 37 ~~(c)~~ A program participant whose certification expires under
 38 subsection ~~(a)~~(2) may apply to renew the certification under section 8

of this chapter. The program participant shall notify the office of the attorney general when the protective order is withdrawn, revoked, or otherwise invalidated.

SECTION 14. IC 5-26.5-2-7, AS ADDED BY P.L.273-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) This section applies to a program participant whose certification expired under section ~~6(a)(1)~~ 6 of this chapter.

(b) The office of the attorney general shall notify the program participant of the expiration date at least thirty (30) days before the expiration date.

(c) The office of the attorney general shall approve an application for renewal of certification filed in the manner and on a form prescribed by the office of the attorney general if the application contains the requirements set forth in section 2 of this chapter. However, a program participant who applies for renewal of certification under this section does not have to provide a copy of a valid protective order. ~~except as provided in section 9 of this chapter.~~

SECTION 15. IC 5-26.5-2-10, AS ADDED BY P.L.273-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. A person who knowingly or intentionally:

(1) falsely attests in an application made under this chapter that disclosure of the applicant's address would endanger:

(A) the applicant's safety; or

(B) the safety of a minor or an incapacitated individual upon whose behalf the application is made; or

(2) provides false or incorrect information upon making an application under this chapter;

commits perjury. This section applies to an application for certification under section 2 of this chapter and to an application for renewal of certification under section 7 ~~or~~ 8 of this chapter.

SECTION 16. IC 5-26.5-2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11. A program participant who obtains a change of name under IC 34-28-2 shall provide a copy of the decree of the court changing the program participant's name to the office of the attorney general not more than thirty (30) days after the court enters the decree.**

SECTION 17. IC 5-26.5-3-2, AS ADDED BY P.L.273-2001,

SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The office of the attorney general may not disclose for public inspection or copying the name, address, telephone number, or any other identifying information relating to a program participant that is declared confidential under IC 5-26.5-2-3(b), as contained in a record created under this chapter, except as follows:

(1) When requested by a law enforcement agency, to the law enforcement agency.

(2) When directed by a court order, to a person identified in the order.

~~(3) When certification of a program participant is revoked.~~

SECTION 18. IC 5-26.5-3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 7. The office of the attorney general and an agent or employee of the office of the attorney general are immune from civil liability for damages for conduct within the scope and arising out of the performance of the duties imposed under this article.**

SECTION 19. IC 5-26.5-4-5, AS ADDED BY P.L.273-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Unless the program participant's certification has been renewed under IC 5-26.5-2-7, ~~or IC 5-26.5-2-8~~, the office of the attorney general shall revoke the certification of a program participant if the attorney general determines that the protective order on which the certification is based has been terminated or otherwise invalidated."

Page 11, between lines 33 and 34, begin a new line blocked left and insert:

"For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4."

Page 21, between lines 2 and 3, begin a new line blocked left and insert:

"For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4."

Page 25, line 26, after "a" insert ":

(1)".

Page 25, line 27, delete "." and insert "; or

- 1 **(2) person who has committed stalking under IC 35-45-10-5**
- 2 **or a sex offense under IC 35-42-4 against the petitioner."**
- 3 Page 25, line 29, after "against a" insert ":
- 4 **(1)".**
- 5 Page 25, line 31, delete "." and insert "; or
- 6 **(2) person who has committed stalking under IC 35-45-10-5**
- 7 **or a sex offense under IC 35-42-4 against the child."**
- 8 Page 30, line 17, delete "The court may".
- 9 Page 30, delete lines 18 through 28.
- 10 Page 35, delete lines 25 through 42.
- 11 Page 36, delete lines 1 through 18.
- 12 Page 39, between lines 32 and 33, begin a new paragraph and insert:
- 13 "SECTION 46. IC 34-30-2-16.5 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. IC 5-26.5-3-7 (Concerning**
- 16 **actions taken under the address confidentiality program)."**
- 17 Page 40, strike line 5.
- 18 Page 40, line 6, strike "(B)" and insert "(A)".
- 19 Page 40, line 7, strike "(C)" and insert "(B)".
- 20 Page 40, reset in roman lines 11 through 12.
- 21 Page 40, line 15, delete "(6)" and insert "(7)".
- 22 Page 40, line 18, delete "(7)" and insert "(8)".
- 23 Page 41, line 6, delete "and".
- 24 Page 41, between lines 6 and 7, begin a new line block indented and
- 25 insert:
- 26 **"(2) a reasonable belief that the firearm, ammunition, or**
- 27 **deadly weapon:**
- 28 **(A) exposes the victim to an immediate risk of serious**
- 29 **bodily injury; or**
- 30 **(B) was an instrumentality of the crime involving domestic**
- 31 **or family violence; and"**
- 32 Page 41, line 7, delete "(2)" and insert "(3)".
- 33 Page 41, delete lines 18 through 42.
- 34 Page 42, delete lines 1 through 20.
- 35 Page 46, delete lines 36 through 42.
- 36 Page 47, delete lines 1 through 12.
- 37 Page 51, delete lines 22 through 29.
- 38 Page 51, line 31, after "IC 5-2-9-6.3;" insert "IC 5-26.5-2-8;

- 1 IC 5-26.5-2-9; IC 5-26.5-4-1; IC 5-26.5-4-6;".
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1232 as reprinted February 5, 2002.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

Bray

Chairperson